

(1)

United States of America

vs

Terrance Junot III

case # 6:13-cr-06137
Honorable Chief Judge
Geraci

Aug 12, 2020

Comes now Defendant Terrance Junot III (Pro se), asking for permission to supplement my motion for Compassionate release, Doc 36, which was filed July 17, 2020.

(I)

The center for Disease Control and prevention has updated its risk factors for Covid-19 illness, which now includes crowding and medical conditions, such as underlying lung issues, also heart issues. I suffer from chronic bronchitis, and upper respiratory infections. Also Sinus issues. I have been dealing with these issues for 2 decades. Always going to the doctor for antibiotics for these problems. I have family history of Lung

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and Heart issues. My grand father on my mothers side had cancer, along with blood clots and is long since past away. My grandfather on my fathers side had asthma, also emphysema. He passed when I was a child of these illnesses. Currently my mother has copd, and also my father, and he has had a triple bypass due to health issues. My aunt has emphysema, and is currently suffering from breathing issues.

F.C.I. Loretto has stated that my case of having acute upper respiratory infection and acute sinusitis as current. (See exhibit A, B). This has been a chronic problem for years before my arrest. It is well documented in my medical file records at Greece Health Center in Rochester N.Y. However since I'm acting pro se, I have no way to obtain those documents. My chronic lung infections and family history of these issues, along with the growing

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number of cases of covid-19 at Loretto and the extremely close living conditions, make me a prime candidate to contract COVID-19.

The BOP cannot assure this court that I will not contract covid-19, or if they have the facility to care for me should I contract the virus.

(II)

The covid-19 pandemic as of July, and Aug 10, 2020 has killed over 160,000 people in the United States. And nearly 4 million people have contracted the virus. As of this writing 111 people in the BOP have died due to Covid-19. And in FCI Loretto the case are doubling weekly according to memos from the warden and health services, (The head of Disease Control). As of July 21, 2020, the warden stated we had 2 positive cases. Then as of July 27, 2020, there were 17 cases. Continuing as of the 31st of July, there were 26.

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As of Aug 8, there is a new spike and continuing to climb daily. As of 8-6-2020 there were 47 and as of this writing the internal numbers were 55.

The BOP website has the number as high as 37, this discrepancy may be due to underreporting.

A Forbes article (www.Forbes.com/sites/walterpaulo/2020/01/01/bureau-of-prisons-underreporting-outbreaks-in-person/#2a5bcd747ba3) showed anomalies in the data, leading to the conclusion that the BOP is almost certainly underreporting, the number of inmates who are sick with COVID-19. The under-reporting may not be due to any nefarious plot by the BOP, but may have been, or currently still is a factor of the BOP not having sufficient resources to adequately test inmates.

The likely misinformation is none the less, alarming, and endangering the health and lives of inmates and staff in all BOP facilities. ☺

There are more than 7 staff

⑤

infected and have continued working or have come back to work. Loretto is constantly using staff from other units (infected) on non infected units, due to call-ins or shortage of staff. The staff also does walkthroughs in the entire prison, possibly bringing the infection with them.

With the number of cases growing, and even with the "BoP's plan of action" to prevent the virus from infecting the inmates, Loretto refuses to tell the inmates which staff are infected. Loretto is not testing the staff and are NOT forced to test. It is up to the staff to personally be tested. They only temp them. Which has been proven doesn't work anymore for being positive with COVID-19. The staff could be asymptomatic. Therefore endangering inmates at FCI Loretto.

This is making it even harder to stop the spread of COVID-19 in the institution. There hasn't been any hand sanitizer in the commissary in months, and also none in the units for more

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than 6 months. How are the inmates at Loretto suppose to stay safe without proper, supplies, care, and protection from this deadly virus.

III

The governments interpretation of the first step act flies in the face of Congress's intent when it passed legislation, which was to increase the availability of Compassionate release. See § 603(b) of public law 115-391, 132 stat. 5239 (2018). Furthermore the "vast majority" of district courts around the united states, have held that, since the passage of the first step act § 1B1.13" is not binding but is, rather helpful guidance".

United states v. Almontes, 2020 WL 1812713 at *3 (D. Conn. Apr. 9, 2020) (collecting cases). Even more recently in the northern district of illinoise, a court twice joined that "vast majority" holding that:

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while the criteria in § 1B1.13 provides useful guidposts, the court may look beyond the defendants medical condition, age, and family circumstances, as delineated in the sentencing commissions guidance, to construe what constitutes extraordinary and compelling circumstances.

Id., United States v. Robert Cardena, NO. 09-cr-0330, slip op. at 6 (N.D. Ill. May 15, 2020) (ECF No. 1890); United States v. Lewellen, 09-cr-0332 slip op. at 6 (N.D. Ill. May 22, 2020) (ECF No. 1896). Courts around the United States have already rejected the government's interpretation of the First Step Act, and this court should do the same. This court is not bound by any particular compassionate release scenarios that the Sentencing Commission has prescribed in the U.S.S.G. § 1B1.13. Rather "District courts themselves have the power to determine what constitutes extraordinary and compelling reasons for compassionate release." United States v. Young, 2020 WL 1047815, at *6 (M.D. Tenn., Mar. 4,

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2020). Hence this court has the power to grant compassionate release that I am requesting.

(IV)

I have served 69.8 % of my sentence. Thats more than two thirds of the total. He / I have no prior criminal conviction and has been a model prisoner. I am rated a minimum risk of recidivism, from the first step act review. As stated in the motion I have had no incident reports while in custody, I have completed numerous programs, taught fellow inmates, and was attempting to pursue a college degree. But due to the covid-19 outbreak it was put on hold. But if released I will continue to pursue college again. I am currently enrolled in a vocational training course to become a Physical Trainer. It is a ISSA certification. I will be using it for a 2nd income.

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My friend Tody Joubert is living in the rochester area and has agreed to allow me to live at her house. The address is 86 alpine rd rochester N.Y. 14612 and can be reached at 585-233-2559.

I have the support of her and my family.

I have a job ready to go upon my release as stated before. The owner is Rob Richmond and can be contacted at 585-415-3411. I have been a mechanic for 20 years and will be continuing to do the same work for mr richmond. I have a N.Y. state drivers license; # 997778537 and is currently valid. I also have a vehicle which will allow me to travel to and from work, and any and all programs needed to attend upon my release. I have a N.Y. state inspectors license that has to be renewed. I will receive health benefits from the job as soon as possible. This will allow me not to be a burden on the community or the state of New York. But to be a contributor and pay taxes.

(10)

I have demonstrated to this court extraordinary and compelling reasons; I would not be a danger to the community and is a minimum risk pattern score (first step act), to not commit crimes if released and or put on Home Confinement.

I respectfully request that this HONORABLE COURT grant me the compassionate release, or any remedy this court deems appropriate. Such as Home Confinement.

respectfully
Submitted,

Terrance L Junot III

TERRANCE L Junot 3rd
22303055
FCI Loretto
Po Box 1000
Cresson PA 16630.

**Bureau of Prisons
Health Services
Health Problems**

Reg #: 22303-055	Inmate Name: JUNOT, TERRANCE III	Axis	Code Type	Code	Diag. Date	Status	Status Date
Current							
Anxiety disorder 06/10/2020 08:53 EST Golden, Robin PA-C			ICD-10	F419	06/10/2020	Current	
Unspecified visual disturbance 04/12/2016 07:27 EST Golden, Robin PA-C			ICD-10	H539	04/12/2016	Current	
Acute sinusitis 04/26/2018 13:13 EST Golden, Robin PA-C			ICD-10	J0190	04/26/2018	<u>Current</u>	
Acute upper respiratory infection, unspecified 04/20/2018 08:16 EST Krepps, Jim PA-C			ICD-10	J069	04/20/2018	<u>Current</u>	
Chronic periodontitis, generalized 09/29/2017 08:47 EST Lopez, Gilbert DMD/Chief Dental Officer			ICD-10	K0532	09/29/2017	Current	
Monoarthritis, not elsewhere classified, unspecified site 04/12/2016 07:27 EST Golden, Robin PA-C Left Knee suspected.			ICD-10	M1310	04/12/2016	Current	
Fracture of tooth (traumatic) 07/12/2019 08:49 EST Lopez, Gilbert DMD/Chief Dental Officer			ICD-10	S025XX	07/12/2019	Current	
Sprain of knee 07/05/2016 07:44 EST Burk, Steven PA-C			ICD-10	S8390X	07/05/2016	Current	
Dental restoration status 05/26/2015 08:46 EST Farkas, Paul DMD	III	ICD-9		V45.84	05/26/2015	Current	05/26/2015
Resolved							
Acute postoperative pain, other 04/12/2016 07:30 EST Golden, Robin PA-C	III	ICD-9		338.18	01/13/2016	Resolved	04/12/2016
01/13/2016 08:31 EST Ancrum, Cheryl DDS	III	ICD-9		338.18	01/13/2016	Current	01/13/2016
Dental caries extending into pulp							

Exhibit A

Bureau of Prisons
Health Services
Inmate Report Only (formerly labeled ISDS)

Reg #: 22303-055

Inmate Name: JUNOT, TERRANCE III

SENSITIVE BUT UNCLASSIFIED – This information is confidential and must be appropriately safeguarded.

TB Clearance: YesLast PPD Date: 12/11/2019Induration: 0mm

Last Chest X-Ray Date: _____

Results: _____

TB Treatment: _____

Sx free for 30 days: YesTB Follow-up Recommended: No

Transfer To: _____

Transfer Date: 03/07/2020**Health Problems**Health ProblemStatus

Unspecified visual disturbance

Current

Acute sinusitis

Current

Acute upper respiratory infection, unspecified

Current

Chronic periodontitis, generalized

Current

Monoarthritis, not elsewhere classified, unspecified site

Current

Left Knee suspected.

Fracture of tooth (traumatic)

Current

Sprain of knee

Current

Dental restoration status

Current

Medications: All medications to be continued until evaluated by a physician unless otherwise indicated.**Bolded drugs required for transport.**

None

OTCs: Listing of all known OTCs this inmate is currently taking.

None

Pending Appointments:

Date	Time	Activity	Provider
06/11/2020	00:00	Optometry Exam	Optometrist
12/11/2020	00:00	PPD Administration	Nurse
09/05/2022	00:00	Preventive Health Visit	Nurse 01
09/23/2022	00:00	Preventive Health Visit	Nurse 01

Non-Medication Orders:

No Data Found

Active Alerts:

No Data Found

Consultations:**Pending Institutional Clinical Director Action**

No Data Found

Pending UR Committee Action

No Data Found

Pending Regional Review Action

No Data Found

Pending Scheduling

No Data Found

Exhibit B

Terrance Junot 3rd
28303055

Federal Correctional Institution Loretto
P Box 1000
Cresson PA 16630

JOHNSTOWN PA 159

13 AUG 2020 PM 2 L



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